

REMARKS

Claims 1 to 20 were pending in the application at the time of examination. Claims 1 to 20 stand subject to election/restriction.

The action indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1 to 4, 6 to 9, 11 to 14, and 16 to 19; and
- II. Claims 5, 10, 15, and 20.

Applicant elects Group I claims, Claims 1 to 4, 6 to 9, 11 to 14, and 16 to 19, with traverse.

The action stated in part "Inventions I and II are related as subcombinations usable together in a single combination." This is error because the Group I claims are directed to a process for making an obfuscated key decryption program and Group II claims are directed at a process of using the obfuscated key decryption program made by the process of the Group I claims. The MPEP draws distinctions between subcominations and processes of making and using and delineates different requirements that the Examiner must show in each case. Further, the claims must read as a whole.

Accordingly, since the characterization as subcombinations is incorrect, a showing that the process of making and the process of using are independent and distinct has not been made, as required by the MPEP. Therefore, the restriction requirement is improper. Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

☒ Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed documents after all papers filed with this transmittal have

been considered, Applicant(s) hereby petition for such an extension of time.

☒ The Commissioner is hereby authorized to charge any additional fees required for consideration of the enclosed documents, and to credit any overpayment of fees to Deposit Account No. 50-0553.

Claims 1 to 20 remain in the application. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 19, 2007.



Attorney for Applicant(s)

March 19, 2007  
Date of Signature

Respectfully submitted,



Forrest Gunnison  
Attorney for Applicant(s)  
Reg. No. 32,899  
Tel.: (831) 655-0880